

Chesapeake Bay Foundation “Goals”

for the State Wetland Comprehensive Plan Workgroup

CBF believes the advantages of developing a Statewide Comprehensive Wetlands Plan include: 1) the statewide assessment of remaining wetlands resources, 2) the development of Statewide goals for protection of remaining wetland resources, 3) review of regulatory and non-regulatory programs related to wetlands protection, replacement (mitigation) and restoration, and 4) the development of meaningful policies and actions to promote proactive protection and restoration of wetlands resources.

CBF Goals for State Wetland Comprehensive Plan

1 – **Updated statewide assessment of wetland resources** including the development of updated baseline data and maps, and identification of regional trends and factors contributing to wetland loss or conversion.

2 – Ensure **proper identification and jurisdictional delineation** of all wetlands in Maryland, especially seasonally saturated wetlands on the Coastal Plain.

3 – **Strengthen regulatory protection of remaining wetlands**, ensuring that any changes strengthen, not weaken protections for existing wetlands.

- Establish a cap in Maryland on the destruction of natural wetlands from regulated activities annually.
- Work within the tenets of Smart Growth to eliminate wetland impacts associated with sprawl development projects.
- Ensure MD SPGP improves resource protection.

4 – **Focus mitigation policy on adequate replacement of acreage and function**, not on means to increase impacts by easing regulatory framework for impacting and replacing wetlands.

- Base wetland assessment and replacement (mitigation) on **objective functional assessment, not subjective value assessment**.
- Utilize HGM functional replacement for mitigation projects

Chesapeake Bay Critical Area Commission

Recommended Goals for the Maryland Wetland Conservation Plan

Update the inventory of the State's wetland resources

2. Identify recent (within the last 10 years) trends in wetland conservation - what's being lost and/or gained and why?
3. Recommend creative incentives for protection of wetlands on private property (e.g., tax incentives, density bonuses, TDRs, PDRs)
4. Objectively assess current regulatory protection mechanisms. Identify ineffective regulations and inappropriate distribution of resources. Recommend changes as necessary.
5. Ensure coordination between wetland and adjacent upland regulations (BUFFERS).
6. Maximize opportunity to permanently protect unique wetland resources (bogs, vernal pools, etc.) from the effects of development.
7. Increase the quantity and quality of wetlands in Maryland through: retention of the no-net-loss standard with the goal of increasing overall wetland acreage and provide for flexibility in wetlands mitigation which will result in overall improvement of habitat and water quality functions after minimum acreage has been achieved. Also include a provision for long term functional assessment of mitigation projects to ensure no net loss of wetland function.
8. Develop an implementation strategy to involve the public, special interest groups, local governments, and state legislative representatives.
9. Ensure coordination between the SWCP and the work of the Wetland Restoration Steering Committee.
10. Promote wetland banking and explore opportunities to combine with other environmental banking efforts and programs.

Ducks Unlimited

List of goals that Ducks Unlimited would like to see achieved thru the MD Wetland Conservation Plan process:

- 1) Increase funding oppportunities for wetland restoration projects/programs.
- 2) Develop wetland restoration partnerships with private and public groups to increase project delivery.
- 3) Increase funding opportunities for permanently protecting wetland projects or existing wetlands in focus areas (which the plan should identify).
- 4) Re-structure permit requirements for restoration projects in degraded areas, especially in the floodplains of western Maryland. We need to make it easier for landowners and conservation groups to conduct restoration work in MD.
- 5) Explore opportunities to work with the private and public sector in the design and delivery of wetland mitigation projects.
- 6) Make the connection between wetland trends/declines in MD and the economic effect it has on its citizens. We've got to make the connection between conservation and the wallet- kind of a cost analysis report-here's what it costs each citizen in MD when we lose an acre of wetland.
- 7) Educate plan members on existing wetland restoration/conservation programs and their benifits and failures.
- 8) Increase public knowledge on the status of wetlands in MD.

Maryland Alliance for Greenway Improvement and Conservation

February 22, 2000

MAGIC would like to see the following goals achieved by the State Wetland Conservation Plan

1) Provide maximum wetlands conservation from the headwaters of each stream down to the tidal wetlands associated with the ocean or bay.

2) Provide maximum protection for each wetland (including all tributaries, seeps, and springs) by providing sufficient forest or riparian buffers to protect and provide recharge areas for every wetland.

3) Specify wetland recovery plans be implemented for degraded streams or impacted wetlands.

4) Determine minimal wildlife connecting corridors between wetlands.

5) Ensure local regulations support and enforce state and federal wetland regulations.

6) Ensure permitting authorities enforce state and federal regulations.

Maryland Coastal and Watershed Resources Advisory Committee

Recommended objectives/outcomes from MDE's State Wetlands Conservation Plan Workgroup

1. The SWCP needs to tie into Smart Growth policy and should dictate a policy that no state subsidies, infrastructure, etc. be available for development in wetland areas.
2. The proposed work plan should review all present federal/state/local wetland regulations, laws, initiatives, protective measures etc. to see what we have in Maryland and assess if the true need is really strict enforcement of present policies/regulations/laws.
3. There are regional and local differences with regards to wetlands and these differences should be considered when conservation plans are being created.
4. "In perpetuity" language required for wetland creation sites should be reconsidered and a more flexible approach should be undertaken.
5. State/local wetland mitigation funds should be allowed for use on private properties without restrictions.
5. An overall consideration of both wetland habitat wildlife and upland habitat wildlife when creating the conservation plan.
6. Business and industry wetland creation/enhancement opportunities should be encouraged through better material and information for internal business/industry marketing of wetland creation/enhancement benefits to these companies.

Greg Kappler
Chairman 410-787-5110

MARYLAND DEPARTMENT OF THE ENVIRONMENT

GOALS FOR WETLAND CONSERVATION PLAN

There should be an evaluation of existing state, federal, and local agency programs, goals, and mandates to identify areas that affect wetlands management. The evaluation should include identification of overlap, duplication, and conflict between programs. Plan recommendations should focus on efficient, coordinated, and consistent strategies for wetland management. All agencies will have clearly identified roles, as appropriate, in wetland management and tasks to implement the final Plan. Standard procedures and goals shall be incorporated into agency programs that affect wetland management. Monitoring should be done by a coordinated state, federal, and local agency group.

Priority areas for preservation and restoration shall be identified. Identification of priority areas will include local and public interest and goals. Wetland management should be incorporated into local greenway and open space sites.

Wetland mitigation should be done in well-chosen areas, where the wetland “fits” in the surrounding landscape.

Investigate measures to increase protection of wetlands from indirect impacts outside of the wetland and buffer. There should be more emphasis on protecting the recharge area of a wetland.

Highlight minimization of wetland impacts that occurs during pre-application meetings.

Simplify the regulatory process, including the amount of paperwork and rules and regulation, involved in reviewing applications.

Ensure that there is adequate staff to conduct regulatory and mitigation review. Make changes as needed to establish the appropriate balance and responsiveness in the wetlands and waterways programs.

Reduce the role of the Corps of Engineers in duplicative regulatory review for most projects.

Eliminate disincentives for mitigation banking.

Increase consideration of habitat and other natural resource functions when conducting reviews and waterway and floodplain projects.

The Maryland State Builders Association:

MSBA mission statement for involvement in this initiative:

The Building Industry will seek ways to maximize wetland conservation consistent with smart growth principles through a balanced approach toward efficient land development, while integrating local, state, and federal wetlands programs, and identifying inconsistencies and inefficiencies in the regulatory process.

To further this mission:

Establish and implement a system of evaluating and rating wetlands based on their quality, and providing for more quality-based mitigation requirements.

Determine the functional value goals of a wetland conservation program.

Identify the problems and opportunities for wetland mitigation banking.

Review “real life examples” of how the development industry implements the current regulatory requirements.

Establish specific wetland conservation policies that are consistent with smart growth principles.

Ensure efficient and timely review of permit applications with a minimum of duplication and delay.

Establish clear and consistent federal and state regulatory criteria for wetlands permit review.

Work with local governments to ensure that state and federal wetland regulatory policies do not conflict with local reviews and approvals.

Clarify the State’s No Net Loss goal of wetlands acreage and function to be consistent with a scientifically based function and value wetlands rating system.

MD DNR

The wetland conservation plan goals identified by agencies within DNR are as follows:

1. The plan should address and support methods for beneficial use of dredge material for wetland/island creation.
2. The plan should set a goal to minimize impacts to the hydrology the regulatory mechanisms for reviewing and permitting construction projects.
3. There should be goal to work with communities to provide education on the value of wetlands so that the communities can identify and protect wetland important to their area.
4. The plan should protect and sustain the quality of plant and wildlife habitat in the best remaining examples of all of Maryland's native wetland communities.
5. The plan should improve protection mechanisms for wetlands that are largely groundwater-fed systems, such as bogs/fens, Delmarva bays and groundwater seeps. The 25ft and 100ft buffers are especially inadequate for these wetlands.
6. The plan should continue to address the 965 miles of tidal shoreline eroding at less than two feet per year by providing technical and financial assistance to property owners for the establishment of non-structural shore erosion control projects, resulting in the creation of new intertidal marsh fringes or the stabilization of eroding marshes. On a yearly basis, stabilize a minimum of 15,000 linear feet of shoreline and create 300,000 square feet of new intertidal marsh.

Please let me know if you have any questions or need any additional information.

Maryland Dept. Of Agriculture

Proposed SWCP Objectives

1. The proposed concept of a State Wetland Conservation Plan presents an opportunity to promote wetland conservation in Maryland. In contrast to wetland protection with regulatory mechanisms in place at local/county, state and federal levels, wetland conservation, by definition, could address sound and judicious use(s) of the resource. We support State Wetland Conservation Plan goals and objectives which advocate conservation.
2. Create a general permit for certain agricultural BMPs in order to expedite minor stream/wetland/floodplain projects.
3. Recognize regional differences in the State, address unique conservation issues faced locally in these regions, and promote incentives in support of the resource.
4. Determine current deficiencies, needs, and/or gaps in the existing regulatory framework of wetland programs.
5. Provide persons who create/enhance/expand wetlands with the “safe harbor” provision regarding future restrictions on their property.
6. Review the Army Corps General Permit with respect to streamlining, efficiency, and overlap.

NRCS

The following are our recommended goals for the workgroup and the resulting SWCP:

1. Include an assessment of Maryland's stream & floodplain regulatory programs in the SWCP. (Rationale: Farm plans and other conservation projects often involve BMPs for streams, wetlands, and floodplains--all in the same project area.)
2. Establish clear and consistent procedures for obtaining federal and state permits (wetlands, waterways, and floodplains).
3. Assess the current permit process. Is it providing the desired level of resource protection? Are permit applications being reviewed in an efficient and timely manner?
4. Identify methods to streamline the review process, especially for small projects, such as agricultural BMPs.
5. Establish an agreed-to timeline for regulatory agencies to implement the recommended changes.

If you have any questions or want to discuss, please give me a call or e-mail. Thanks.

Anne Lynn
NRCS

State Water Quality Advisory Committee
Wetland Creation/Protection and Stream Restoration Subcommittee

Comments/Recommendation for Wetland Conservation Plan Workgroup

February 15, 2000

SWQAC proposes that the goals of the workgroup should include:

- Determine the status of the regulatory and non-regulatory programs in Maryland
- Evaluate the effectiveness/progress of these programs
- Make recommendations to improve these programs

The protection and restoration of wetlands in the State of Maryland falls under two programs:

- The Governor's Wetlands Restoration Initiative
- The Wetlands Regulatory Program

I. The Governor's Wetlands Restoration Initiative

We propose that the workgroup monitor the activities of the Wetlands Restoration Steering Committee. The workgroup should be briefed on the progress of the Steering Committee. In addition, a representative of the workgroup should attend the Steering Committee meetings and report back to the workgroup. The workgroup can help make sure that the Steering Committee is meeting their goals and objectives, and that the program is staying on track. If necessary, the workgroup will provide guidance or assistance to the Steering Committee.

II. The Wetland Regulatory Program

The workgroup should focus its attention on the Wetlands Regulatory Program. This effort should include identification of key players, an evaluation of the program, and recommendations for improvements to the program.

A. GOALS

Some of the goals/questions of the evaluation may include:

Determine effectiveness of program in protecting wetlands and water quality.

What are strengths and weaknesses of the program?

Is program too restrictive of land rights; not restrictive enough?

Is process efficient?

How well is mitigation working in Maryland; are we achieving 'NO NET LOSS'?

How is the 'fee in lieu' program being utilized, is it being used as intended?

How is Wetland Functional Assessment being used in Maryland?

B. PLAYERS

All stakeholders should be identified. Stakeholders are those who are involved with or affected by the wetlands regulatory program. A cursory list includes:

1. Government
 - MDE and Corps
 - DNR
 - County governments
 - Chesapeake Bay Program Office
2. Users
 - Developers
 - Agriculture
 - State Highway/Utilities/Public Works
 - Consultants
 - Aggregates industry
3. Environmental
 - Chesapeake Bay Foundation
 - Water Quality Monitoring organizations
 - Local watershed/conservation groups

ACTION: Review this list of players, make additions and deletions as necessary

Identify contact persons, phone numbers and addresses for these groups. Make sure all players are included in the workgroup.

C FACT-FINDING

Before we can examine the effectiveness of the regulatory program, we must first begin with a fact-finding effort.

1. According to Special Public Notice #96-19, "the Corps will re-evaluate the program annually to determine if activities have been authorized in accordance with the requirements of the MDSPGP. This evaluation will include
 - a. significance of individual or cumulative impacts that have occurred.
 - b. Reduction of duplication to an appropriate level
 - c. Protection of aquatic environment"

ACTION: Contact the Corps of Engineers to obtain these annual evaluations, if available. Review the evaluations.

Invite the Corps to the workgroup meeting to brief the group on the status of the MDSPGP including perceived strengths and weaknesses of the program.

2. The Regulatory Program is administered by MDE - Does MDE synthesize the data; or are they required to prepare reports on the program?

ACTION: Determine if reports on the program are available from MDE including the mitigation section, permits, data on impacts, etc. Obtain and review any data or reports.

Invite MDE permitting and mitigation staff to brief the workgroup on the status of the program including perceived strengths and weaknesses of the program.

3. Various other groups (identified in Section A) are effected by the regulatory program. What is the impact of the program on these groups.

ACTION: Interview various groups, including user groups and environmental groups, to determine perceived strengths and weaknesses of the program.

Invite representatives from the various groups to give a brief overview of the impacts of the program on their organization/business.

D. RE-EVALUATE GOALS

Once the initial data has been collected, the goals and objectives should be revisited and re-written as appropriate

E. ANALYSIS

- A. Analyze facts collected

F. RECOMMENDATIONS

- A. Make recommendations for improving program

The Nature Conservancy

Maryland/DC Chapter

February 10, 2000

Recommended objectives or outcomes
from the State Wetlands Conservation Plan Workgroup

1. Reiterate the State's no net loss goal for wetlands
2. Develop a goal and strategy for implementation of a statewide wetland restoration and creation program.
3. Make recommendations for the development of a wetland mitigation program that streamlines the process for the development community and creates larger and more functional wetland complexes.
4. Determine if new sites should be added to the state list of Wetlands of Special State Concern.
5. Ensure an efficient and consistent federal and state wetland permitting program that does not compromise the goal of wetland protection.

US EPA

I offer the following suggested SWCP goals for discussion at the next MD State Wetland Conservation Plan meeting:

1. Provide recommendations for integrating existing programs to maximize restoration and protection results.
2. Provide a current inventory of wetlands in MD.
3. Identify threats to wetlands in MD.
4. Characterize existing restoration and protection programs.
5. Identify gaps in existing programs.
6. Provide recommendations for addressing the gaps in existing programs.
7. Identify existing information resources that can be used in support of wetlands restoration and protection.
8. Identify gaps in existing information resources.
9. Provide recommendations to address gaps in information resources.
10. (Reserved)

Mike Fritz
Chesapeake Bay Program Office, EPA